

statements aforesaid the article was labeled and branded so as to deceive and mislead the purchaser; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight since the statement was inconspicuously placed on the smallest of the dimensions of the package; and was printed on some of the packages in 3 on 6 point lining gothic, in others in 4 on 6 point, and in others in 5 on 6 point.

On November 18, 1938, a plea of nolo contendere was entered on behalf of the defendant, which plea was accepted by the court and a total fine of \$100 was imposed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29827. Adulteration and misbranding of butter. U. S. v. 16 Tubs of Butter (and 13 other seizure actions against the same product). Consent decrees of condemnation. Product released under bond conditioned that it should not be disposed of in violation of the law. (F. & D. Nos. 43788 to 43791, inclusive, 43819 to 43827, inclusive, 44149. Sample Nos. 21167-D to 21173-D, inclusive, 21176-D, 21177-D, 21178-D, 21183-D to 21189, inclusive.)

This product was deficient in milk fat and portions contained added mineral oil.

On August 10, August 18, and September 7, 1938, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2,913 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce in the period from on or about July 2, 1938, to on or about August 18, 1938, by the Archer Produce Co. from Vinita, Okla.; and charging adulteration of all lots and misbranding of portions in violation of the Food and Drugs Act.

All lots were alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided for by the act of March 4, 1923. Adulteration was alleged further with respect to portions of the article in that mineral oil had been substituted in part for butterfat.

Certain lots were alleged to be misbranded in that they were labeled "Butter," which was false and misleading since the article contained less than 80 percent of milk fat.

On August 18 and September 22, 1938, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond in the total amount of \$60,800, conditioned that it be disposed of only in compliance with the law and under the supervision of this Department. The butter which was low in milk fat and not otherwise adulterated (500 tubs) was reworked to the legal standard; that which contained mineral oil (664 tubs) was denatured and rendered inedible; the remaining butter was found to be passable.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29828. Adulteration of grits, flour, and rolled oats. U. S. v. 18 Sacks, 45 Sacks, and 57 Sacks of Grits (and 4 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43711 to 43715, inclusive, 43745, 44047. Sample Nos. 34612-D, 38068-D, 38069-D, 38070-D, 38366-D, 38367-D, 38368-D.)

These products, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, were found to be insect-infested.

On September 14 and 30, 1938, the United States attorneys for the Eastern District of Louisiana and the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 120 sacks of hominy grits and 235 sacks of flour at Donaldsonville, La., and 13 sacks of rolled oats at Frederick, Md.; alleging that the products had been shipped within the period from on or about December 31, 1937, to on or about July 11, 1938, by the Quaker Oats Co., in part from St. Joseph, Mo., and in part from Akron, Ohio; and charging adulteration in violation of the Food and Drugs Act. The articles were labeled variously in part: "Aunt Jemima Hominy Grits"; "Buckeye Rolled Oats"; "Monogram Inc.